IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Crl.Rev.Pet.No. 3378 of 2003()

CRA.162/2000 of ADDL.DISTRICT AND SESSIONS JUDGE (AD HOC) FAST TRACT COURT-I, MANJERI
CC.121/1997 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM

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REVN. PETITIONER: APPELLANTS 1 & 2/ACCUSED:

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1. MEEMBATTU CHERATTU SAJU
   AGED 22 YEARS, S/O. BHARGAVARAMAN
   MALAPPURAM, MALAPPURAM AMSOM.

2. MEEMBATTU CHERATTU PRAMOD
   AGED 35 YEARS, S/O. GANGADHARAN NAIR
   MALAPPLURAM AMSOM, P.O. MALAPPURAM.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE
   MALAPPURAM POLICE STATION,
   MALAPPURAM DISTRICT.

2. THE STATE OF KERALA, REP. BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM, COCHIN-682 031.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl. R.P.No.3378 of 2003

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Dated this the 19th day of November, 2007

O R D E R

The revision petitioners are accused Nos.1 and 2. The first accused stands convicted for the offences under Sections 323 and 324 of the Indian Penal Code and sentenced to undergo simple imprisonment for six months and to pay compensation of Rs.2,000/- and in default to undergo simple imprisonment for three months for the offence under Section 324 I.P.C and sentenced to undergo simple imprisonment for two months for the offence under Section 323 I.P.C. The second accused stands convicted for the offence under Section 323 I.P.C and sentenced to undergo simple imprisonment for two months.

2. The counsel for the revision petitioners have only sought for modification of sentence. It is submitted that the incident is dated 19/09/1995 and that so far the accused were facing the ordeal of criminal proceedings and it is also submitted that the injuries allegedly sustained is only of a minor nature, i.e., linear abrasion 1” long below the middle third of right clavicle. The allegation is that the accused assaulted PW.1 and hit him with a stone and beat him. It is submitted that the second accused is a person working in the Naval department and that the incident was the result of a sudden provocation. In the

circumstances and considering the long lapse of time the sentence imposed on the first accused for the offence under Section 324 I.P.C is modified to imprisonment till the rising of the court and to pay compensation of rupees ten thousand to PW.1 and in default to undergo simple imprisonment for three months. No separate sentence is awarded to the first accused for the offence under Section 323 I.P.C. The sentence imposed on the second accused for the offence under Section 323 I.P.C is modified to pay a fine of rupees one thousand and in default to undergo simple imprisonment for one month. The first accused is granted two months time to remit the compensation amount. The first accused shall appear before the Judicial Magistrate of the First Class, Malappuram, on 18/01/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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